

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

KEITH RUSSELL JUDD	§	
VS.	§	CIVIL ACTION NO. 5:10cv174
HARLEY LAPPIN, ET AL.	§	

MEMORANDUM OPINION AND ORDER

Petitioner Keith Russell Judd, an inmate confined at the Federal Correctional Complex in Texarkana, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

Petitioner brings this petition challenging the validity of a state court conviction obtained in Bernalillo County, New Mexico. The magistrate judge entered an order directing the Clerk to transfer this action to the United States District Court for the District of New Mexico. Petitioner has filed objections to the transfer, asserting that the petition should remain in this district because that is the location of his custodian.

Analysis

In accordance with 28 U.S.C. § 636(b)(1)(A), a judge of the court may reconsider any pretrial matter referred to a magistrate judge under subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law.

Having examined the allegations in petitioner's objections and the file in this action, the Court finds no support for petitioner's objections. As the magistrate judge observed, this Court's jurisdiction is concurrent with the United States District Court for the District of New Mexico.

Petitioner's grounds for review clearly challenge the validity of his New Mexico conviction and, thus, should be transferred to such forum. It is therefore

ORDERED that petitioner's objections to the order of transfer are **OVERRULED**.

SIGNED this 6th day of May, 2011.

A handwritten signature in black ink, appearing to read "David Folsom", is written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE